



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 28 2012

REPLY TO THE ATTENTION OF:

E-19J

Norman Stoner, P.E.
Division Administrator
Federal Highway Administration
3250 Executive Park Drive
Springfield, Illinois 62703

**Re: Comments on the Tier I Draft Environmental Impact Statement (CEQ # 20120224)
Illiana Corridor Project: Lake County, IN and Kankakee and Will Counties, IL**

Dear Mr. Stoner:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency reviewed the Tier I Draft Environmental Impact Statement (DEIS) for the proposed Illiana Corridor Project (IC) in Lake County, Indiana, and Will and Kankakee Counties, Illinois. EPA is a cooperating agency for this DEIS. The DEIS presents an analysis of present and potential regional transportation needs in the forecast year 2040, a series of corridor alignments within the study area considered for meeting the Purpose and Need, and the environmental and social impacts of alternatives carried forward. The DEIS presents three alternatives extending between Interstate Highway 65 (I-65) in Indiana and Interstate 55 (I-55) in Illinois.

EPA commends the transportation agencies for preparing a quality document and for conducting the project planning and EIS development inclusively, with extensive stakeholder involvement, consistent with the principles of context sensitive solutions. EPA has participated in development of this DEIS as a member of the Technical Task Force (TTF) of agencies and stakeholders. The IC is using a merged NEPA/Clean Water Act 404 permit process (NEPA/404 process). The NEPA/404 process participants included the Federal Highway Authority (FHWA), the Illinois Department of Transportation (IDOT), and the Indiana Department of Transportation (INDOT) and relevant federal and state regulatory agencies.

EPA noted from our earliest engagement on this project that the IC project has a unique opportunity to meet study area needs by developing a sustainable green transportation corridor solution. One aspect of sustainability EPA has encouraged is for the transportation agencies to retain sufficient corridor space for future corridor transportation expansions, such as added lanes and/or modes, as needed, to service future development. Future major population and jobs growth in the study area or increases in freight movement within and outside of the study area could require added capacities and/or modes. New transportation technologies may also develop with new applications for this corridor.

A sustainable green transportation corridor will allow for east-west connectivity of open space and wildlife corridors that intersect the IC. This could be achieved by designating a 2,000-foot

wide corridor including wide (500 foot) natural buffers along the north and south edges of the corridor surrounding a 1,000-foot transportation-designated corridor in its center. Natural buffers will provide resource connectivity and may mitigate transportation impacts associated with the corridor, such as air pollution, stormwater runoff, accidents and spills, noise and vibration, etc. A wide transportation corridor provides for future added or special lanes to a roadway and allowing for possible future inclusion of transit, bicycle, pedestrian, equestrian, and other modes within and through the study area. With county and municipal cooperation and thoughtful implementation of planning and zoning, a sustainable green transportation corridor could benefit rural and agricultural environments adjacent to the corridor buffers, enhance land values in the region, and influence development patterns. EPA recognizes the potential benefits a well-planned transportation corridor could contribute to the developing southern section of the Chicago region, but also recognizes the risk of induced sprawl if the counties and communities in the study area fail to plan together for their mutual benefit.

This Tier 1 DEIS provides analysis of a no-action scenario, a congestion management process, and three build roadway alternatives with and without tolling alternatives. The three build alternatives were screened from over 100 initial proposals. A 2000-foot wide Planning Corridor is designated for all three DEIS build alternatives. A 400-to-600 foot wide working alignment will be further refined in a Tier 2 NEPA process.

The following comments address Purpose and Need, Alternatives, Environmental Impacts, and Mitigation of Impacts. We have rated the Tier 1 DEIS and each of the build alternatives as **EC-2: Environmental Concerns - Insufficient Information**. See the enclosed *EPA Summary of Rating Definitions* for an explanation of this rating system.

PURPOSE AND NEED

EPA commends the clarifications of several points in the Purpose and Need Section (Section S.2) in response to extensive public involvement and discussions during the NEPA/404 merger process. The merged NEPA/404 process negotiated inclusion of sustainability as an important part of the project purpose, as memorialized in the June 25, 2012 version of the Purpose and Need Statement. However, the DEIS did not mention sustainability or green corridor design.

Recommendation:

- In the Final EIS (FEIS), EPA requests that the purpose statement in Section S.2 and its reiterations throughout the FEIS be modified to read as follows "*The purpose of the Illiana Corridor is to provide a SUSTAINABLE transportation solution...*"

ALTERNATIVES

The Tier 1 DEIS presents a no-action alternative, a congestion management process (CMP) alternative, and three build corridor routes to be studied with and without tolling. The no-action alternative would involve construction of at least 13 planned roadway projects in the study area as well as added lanes to Interstate 80 (I-80). While these improvements would facilitate

resolving some local conditions and improve the I-80 interstate capacity, they will not meet the identified study area needs. A CMP alternative was considered but is not being pursued. The Tier 1 DEIS concludes that options other than a limited-access roadway do not provide "stand alone solutions" but will be considered in the Tier 2 process in conjunction with a roadway build alternative corridor. Many potential east-west corridor pathways through the study area were proposed. EPA commends the project team for the documentation and assessment of these options.

A northern build alternative, labeled A3S2, will have greater impacts to multiple residential and commercial properties, environmental justice communities, wetlands, surface waters, forests, and other sensitive resources, and will have greater indirect impacts. Because the A3S2 corridor has greater impacts and will not lend itself to development as a sustainable green transportation corridor, EPA recommends that A3S2 be dropped as an alternative.

The Tier 1 DEIS does not consider the possible interchanges for this limited access highway in much detail, but the possibility of an interchange at Illinois Route 53 (IL 53, historic US Route 66) prompted stakeholder suggestions for options. An interchange at this historic road (Design Concept 1) would have both direct impacts to the historic viewshed and multiple indirect impacts, most notably drawing truck traffic from northern intermodal railyards down IL 53 through the National Midewin Tallgrass Prairie. Even the Design Concept 2, an offset interchange west of IL 53, would change the historic experience and draw truck traffic to IL 53.

Section 2.8 of the DEIS (Potential Funding and Financing Options) considers both tolling and non-tolling options for this project and discusses how tolling would impact the project. This section only discusses typical Department of Transportation funding sources, as well as public-private partnerships (P3). If green infrastructure elements were to be included in the final project design, opportunities for funding of those elements should be pursued with other agencies.

Recommendations:

- EPA recommends that the A3S2 Corridor Alternative be dropped from further consideration.
- EPA recommends that Design Concept 3 (no interchange at IL 53) be selected.
- EPA recommends that the FEIS further consider other potential federal funding sources that may be available to support a green infrastructure elements. Those federal funding sources could include the Department of Energy, the Department of the Interior, and the Economic Development Administration.

ENVIRONMENTAL IMPACTS

EPA commends the DEIS for its inclusive assessment of impacts, including wells, special geologic conditions, some climate change, and cumulative considerations. The following comments address wetlands and water resources, air quality, and other impact categories where additional information or further analysis is requested for inclusion in the FEIS. Comments are broken down into comments by topic as follows.

WATER RESOURCES

The DEIS presents a number of different stream and stream impact numbers/acreages throughout the document. Stream impact inconsistencies are noted as follows:

Alternative	Stream Crossings Stated in DEIS	Page in DEIS
A3S2	26	S-13
A3S2	13	2-81
A3S2	26	3-6

Alternative	Stream Crossings Stated in DEIS	Page in DEIS
B3	33	S-13
B3	28	2-81

Alternative	Stream Crossings Stated in DEIS	Page in DEIS
B4	53	S-13
B4	27	2-81

In addition to the above discrepancies, EPA's review of the GIS data layers and corridors noted 23 additional stream crossings for the A3S2 corridor (for a new minimum impact of 36 stream crossings); an additional 7 stream crossings for the B3 corridor (for a new minimum impact of 34 stream crossings); and an additional 26 stream crossings for the B4 corridor (for a new minimum impact of 45 stream crossings).

Wetland impact acreage discrepancies were also noted throughout the document as follows:

Alternative	Wetland Impact (acres)	Page in DEIS
A3S2	76	S-2
A3S2	75	S-14
A3S2	75.8	S-18
A3S2	57.6	2-73 (Table 2-12)
A3S2	75.8	3-7
A3S2	75.8	3-373

Alternative	Wetland Impact (acres)	Page in DEIS
B3	35	S-2
B3	34.4-34.6	S-14
B3	34.4-34.6	S-18
B3	21.7	2-73 (Table 2-12)
B3	34.5	3-373

Alternative	Wetland Impact (acres)	Page in DEIS
B4	15	S-3
B4	15.2-15.4	S-14
B4	15.2-15.4	S-18
B4	9.9	2-73 (Table 2-12)
B4	15.3	3-373

Recommendations:

- Stream crossings should be investigated more thoroughly in GIS and updated stream impacts (number of stream crossings) should be presented in the FEIS.
- Stream impact summaries should be reconciled throughout the document to present the same information.
- Wetland impact discrepancies should be investigated and updated acreage impact totals should be presented in the FEIS. Impact acreages should be consistent throughout the FEIS.
- In keeping with the sustainable green transportation corridor concept, EPA recommends the FEIS commit to crossing all streams/rivers in as perpendicular a manner to active flow as possible.
- EPA recommends that both new and replacement stream crossings be designed to allow fish and other aquatic organism passage and to ensure continuity of the aquatic habitat (by not restricting or altering water depth, flow, or velocity). Span crossings (bridges, 3-sided box culverts, open-bottom culverts or arches) are preferred from both an environmental and fisheries standpoint as they preserve the natural stream channel and maintain favorable habitat and natural processes and aquatic organism passage under and/or through the structure. If a non-open bottom crossing is pursued, (such as a four-sided box culvert or a pipe), they should be embedded a minimum of two feet (and at least 25% for round pipe culverts) into the bottom of the channel and restoration of the channel bottom to as natural as possible. Such design specifications are all consistent with planning for 100 to 500 year flood events.

AIR QUALITY IMPACTS

The Illiana Corridor project is not yet accounted for in the regional air quality inventory nor has conformity with the Illinois and Indiana State Implementation Plans for air quality been determined. The DEIS acknowledges that these issues must be addressed and that local microscale determinations need to be provided in the Tier 2 NEPA documentation. We commend FHWA's ongoing efforts to appropriately address greenhouse gases and climate change associated with the project's construction.

Recommendation:

- EPA recommends that the FEIS go beyond identifying possible measures and actually commit to the construction emission reduction measures noted on page 3-149 of the DEIS.

OTHER ENVIRONMENTAL IMPACTS

Overall, we commend the accuracy and thoroughness of the DEIS's impact assessments. In light of our review of the DEIS, EPA has the following additional recommendations:

Recommendations:

- EPA recommends that potential project health impacts be analyzed and included in the FEIS for all remaining corridor alternatives.
- Although no tribal reservation lands are in the project study area, we recommend tribes with historic connections to this area be contacted to solicit comments regarding their possible historic uses in the study area and potential concerns for sites with special tribal meaning warranting consideration for protection.
- The DEIS discusses roadside prairie remnants between the Canadian National (CN) railroad and IL-50 from Monee south to the Will/Kankakee County line, page 3-171. The FEIS should discuss potential impacts to and mitigation for prairie remnants.

MITIGATION OF IMPACTS

Table 3-2 of the DEIS is the "Summary of Potential Avoidance, Minimization and Mitigation Strategies." EPA is aware that avoidance and minimization of potential impacts has already been taken into account in determining the surviving three build alternatives studied in the DEIS, and that the 2000-foot project planning corridors will allow for additional avoidance and minimization of impacts as a final alignment is selected in Tier 2.

Recommendations:

- EPA recommends that specific mitigation commitments be added to Table 3-2 in the FEIS, including (but not limited to) potential mitigation locations, timeframes, follow-up maintenance / adaptive management requirements, and mitigation goals.
- In keeping with Indiana NEPA practices, a Preferred Alternative Mitigation Package (PAMP) for unavoidable impacts to wetlands and other regulated water resources should be developed and included in the FEIS.
- The FEIS should clarify information on any existing or planned mitigation sites that may be impacted by the proposed corridors. The DEIS is unclear whether or not previously-approved U.S. Army Corps of Engineers (USACE) Section 404 mitigation sites are in the vicinity of, or will be impacted by, any of the corridors. EPA's cursory review of USACE's databases indicates prior permit actions in the vicinity of several corridors.
- Information on cumulative wetland impacts such as to previous Section 404 mitigation sites in the corridor footprints should also be provided in the FEIS.

We appreciate the opportunity to comment on the Tier 1 DEIS and have appreciated participating throughout the NEPA process as a cooperating agency. If you have any questions or wish to discuss our comments further, please contact Norm West or Liz Pelloso of my staff respectively at 312-353-5692 / west.norman@epa.gov, and 312-886-7425 / pelloso.elizabeth@epa.gov.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosure: *EPA Summary of Rating Definitions*

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SUMMARY OF EPA RATING DEFINITIONS AND FOLLOW UP ACTION*

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment